

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEWAZINGA CORPORATION,	:	
	:	
Plaintiff,	:	20 Civ. 1106 (LGS)
	:	
-against-	:	<u>ORDER</u>
	:	
GOOGLE LLC,	:	
	:	
Defendant.	:	
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LORNA G. SCHOFIELD, District Judge:

WHEREAS, on October 21, 2024, Defendant Google LLC filed a renewed motion in limine (“MIL”) to (1) preclude Plaintiff from offering evidence, testimony or argument on Google Search advertising revenue, company financials and valuations that are not used by Ms. Riley to calculate her “Damages Floor” royalty amount and (b) preclude Plaintiff from using Google Search (or company-wide) advertising revenue as a “reasonableness check” of Ms. Riley’s royalty base or royalty rate.

WHEREAS, at the October 22, 2024 final pretrial conference, the court resolved certain of Defendant’s specific objections to Plaintiff’s exhibits discussed in Defendant’s MIL. It is hereby

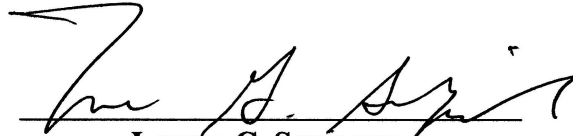
ORDERED that Defendant’s motion to exclude the use of advertising revenue as a “reasonableness check” is **DENIED** as moot based on Plaintiff’s representation that it intends to offer no such evidence. It is further

ORDERED that Defendant’s motion to exclude the use of evidence, testimony or argument on Google Search advertising revenue, company financials and valuations that are not used by Ms. Riley to calculate her “Damages Floor” royalty amount is **GRANTED** under Rule 403. This evidence has little if any probative value for evaluating damages or a reasonable

royalty rate, which is outweighed by the risk of unfair prejudice by inviting speculation about Google's financial means, consistent with the prior ruling granting Defendant's MIL to preclude evidence related to Defendant's size, wealth and overall revenue. Plaintiff may use qualitative evidence, testimony or argument to discuss the general contributions of Street View, consistent with the Court's prior rulings during the final pretrial conference. However, Plaintiff may not offer specific quantitative evidence, testimony or argument related to Google Search advertising revenue, company financials and valuations not relied on by Ms. Riley in her "Damages Floor" opinion.

The Clerk of Court is respectfully directed to close the motions at Dkt. No. 557.

Dated: October 31, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE